

APPEAL,CAP,CLOSED

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00623-CRC-2**

Case title: USA v. ECKERMAN et al

Date Filed: 10/08/2021

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Assigned to: Judge Christopher R.  
Cooper

**Defendant (2)**

**KIRSTYN NIEMELA**

represented by **John M. Pierce**  
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**Pending Counts**

18:1752(a)(1); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Entering and  
Remaining in a Restricted  
Building or Grounds  
(3)

18:1752(a)(2); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Disorderly and  
Disruptive Conduct in a Restricted  
Building or Grounds  
(4)

40:5104(e)(2)(D); VIOLENT  
ENTRY AND DISORDERLY  
CONDUCT ON CAPITOL  
GROUNDS; Disorderly Conduct  
in a Capitol Building  
(6)

**Disposition**

The Defendant is committed to the custody of the Bureau of Prisons for concurrent terms of 11 months on Counts 3 and 4, and 6 months as to Counts 6 and 8. The Defendant is further sentenced to serve concurrent terms of 12 months of supervised release on Counts 3 and 4. The Defendant is further ordered to pay a special assessment in the amount of \$25 on each of Counts 3 and 4 , and \$10 on each Counts 6 and 8, for a total of \$70, to pay a \$1,000 fine and \$500 in restitution.

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40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (8)

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**Highest Offense Level (Opening)**

Misdemeanor

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

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TERMINATED: 08/02/2022

*Designation: Assistant U.S. Attorney*

Date Filed	#	Docket Text
04/27/2022	<u>24</u>	SUPERSEDING INDICTMENT as to MICHAEL ECKERMAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, KIRSTYN NIEMELA (2) count(s) 3, 4, 6, 8. (zstd) (Entered: 04/27/2022)
05/26/2022		MINUTE ORDER as to MICHAEL ECKERMAN (1) and KIRSTYN NIEMELA (2): The parties are to appear for an Arraignment set for 6/1/2022 at 11:00 AM by VTC before Judge Christopher R. Cooper. SO ORDERED by Judge Christopher R. Cooper on 5/26/22. (lsj) (Entered: 05/26/2022)
05/27/2022	<u>26</u>	NOTICE OF ATTORNEY APPEARANCE: Kira Anne West appearing for KIRSTYN NIEMELA (West, Kira) (Entered: 05/27/2022)
06/01/2022		Minute Entry for video Arraignment and Status Conference held before Judge Christopher R. Cooper as to MICHAEL ECKERMAN (1) and KIRSTYN NIEMELA (2) on 6/1/2022. Defendant NIEMELA (2) arraigned on the superseding indictment on Counts 3,4,6,8. Defendant waives the formal reading of the indictment and enters a Plea of Not Guilty as to all counts. Further Status Conference set for 7/14/2022 at 3:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 6/1/2022 through 7/14/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Richard Steven Stern (1) and Kira Anne West (2); US Attorney: Mona Furst. (lsj) (Entered: 06/01/2022)
06/03/2022	<u>27</u>	MOTION to Modify Conditions of Release by KIRSTYN NIEMELA. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 06/03/2022)
06/06/2022	<u>28</u>	RESPONSE by USA as to KIRSTYN NIEMELA re <u>27</u> MOTION to Modify Conditions of Release (Furst, Mona) (Entered: 06/06/2022)
06/09/2022	<u>29</u>	ORDER Setting Conditions of Release as to KIRSTYN NIEMELA (2) Personal Recognizance. Upon consideration of <u>27</u> Defendant's MOTION to Modify Conditions of Release and <u>28</u> the Government's response, it is hereby ORDERED that the motion is denied. The Court will reimpose the conditions of release entered by Judge Mehta in the previous case involving the defendant, Case No. 1:22-cr-25. As in that case, the defendant's drug testing should be monthly rather than weekly. See full ORDER for details. Signed by Judge Christopher R. Cooper on 6/9/2022. (Attachments: # <u>1</u> Appearance Bond) (lccrc1) (Entered: 06/09/2022)
07/13/2022	<u>31</u>	

		Unopposed MOTION to Withdraw as Attorney by Kira Anne West. by KIRSTYN NIEMELA. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 07/13/2022)
07/14/2022		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to MICHAEL ECKERMAN (1) and KIRSTYN NIEMELA (2) on 7/14/2022. Forthcoming Pretrial Order as to Defendant Eckerman (1). Further Status Conference set for 8/10/2022 at 11:30 AM by before Judge Christopher R. Cooper as to Defendant Niemela (2). The court finds it in the interest of justice to toll the speedy trial clock as to Defendant Eckerman (1) from 7/14/2022 through 11/28/2022 and 7/14/2022 through 8/10/2022 as to Defendant Niemela (2). Bond Status of Defendants: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Richard Steven Stern (1) and Kira Anne West (2); US Attorney: Mona Furst; (lsj) (Entered: 07/14/2022)
07/20/2022	<u>33</u>	NOTICE of withdrawal request by KIRSTYN NIEMELA re <u>31</u> Unopposed MOTION to Withdraw as Attorney by Kira Anne West. (West, Kira) (Entered: 07/20/2022)
07/25/2022		MINUTE ORDER as to KIRSTYN NIEMELA. The Court will hold a further hearing on August 10, 2022 at 11:30 AM via VTC on the <u>31</u> Motion to Withdraw and the defendant's request to proceed pro se. See <u>Faretta v. California</u> , 422 U.S. 806 (1975). Signed by Judge Christopher R. Cooper on 7/25/2022. (lccrc1) (Entered: 07/25/2022)
07/25/2022	<u>34</u>	PRETRIAL ORDER as to MICHAEL ECKERMAN, KIRSTYN NIEMELA. Jury Trial set for 11/28/2022 at 09:00 AM in a courtroom to be determined at a later date. The Court will hold a pretrial conference on 11/21/2022 at 10:00 AM in Courtroom 27A. See full Order for details. Signed by Judge Christopher R. Cooper on 7/25/2022. (lccrc1) (Entered: 07/25/2022)
08/02/2022	<u>35</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Gordon, Michael Matthew added. (Attachments: # <u>1</u> Certificate of Service)(Gordon, Michael) (Entered: 08/02/2022)
08/08/2022	<u>36</u>	NOTICE OF ATTORNEY APPEARANCE Jessica Arco appearing for USA. (Arco, Jessica) (Entered: 08/08/2022)
08/10/2022		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 8/10/2022. Defendant's Motion <u>31</u> to Withdraw is GRANTED. Counsel for the Defendant is directed to contact the Federal Public Defender's Office to transfer the defendant's discovery. Further Status Conference set for 9/6/2022 at 1:30 PM by VTC before Judge Christopher R. Cooper. The court finds it in the interest of justice to toll the speedy trial clock from 8/10/2022 through 9/6/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Kira Anne West and Nicole Cubbage; US Attorneys: Mona Furst and Jessica Arco. (lsj) (Entered: 08/11/2022)
09/06/2022		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 9/6/2022. Further Status Conference set for 9/28/2022 at 3:00 PM by VTC before Judge Christopher R. Cooper. The court finds it in the interest of justice to toll the speedy trial clock from 9/6/2022 through 9/28/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: A.J. Kramer (standing in); US Attorneys: Michael Matthew Gordon and Jessica Arco. (lsj) (Entered: 09/06/2022)
09/16/2022		

		MINUTE ORDER as to as to MICHAEL ECKERMAN (1) and KIRSTYN NIEMELA (2): Defendant's 40 Motion for Extension of Time to File Pretrial Motions is granted. Any motions to suppress statements or tangible things shall be filed on or before September 28, 2022. Opposition and replies shall be due within 14 and 7 days, respectively. The Court's deadline for all other pre-trial motions remains unchanged. Signed by Judge Christopher R. Cooper on 9/16/2022. (lccrc1) (Entered: 09/16/2022)
09/28/2022		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 9/28/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Rick Monteith; US Attorney: Jessica Arco. (lsj) (Entered: 09/28/2022)
09/28/2022	<u>42</u>	Unopposed MOTION to Exclude <i>Time Under the Speedy Trial Act</i> by USA as to KIRSTYN NIEMELA. (Attachments: # <u>1</u> Proposed Order)(Arco, Jessica) (Entered: 09/28/2022)
09/29/2022	<u>44</u>	MOTION in Limine <i>to restrict the presentation of evidence regarding the specific position of U.S. Capitol Police surveillance cameras</i> by USA as to MICHAEL ECKERMAN, KIRSTYN NIEMELA. (Attachments: # <u>1</u> Exhibit Declaration of Thomas A. DiBiase)(Gordon, Michael) (Entered: 09/29/2022)
09/29/2022	<u>45</u>	MOTION in Limine <i>to preclude certain defense arguments and evidence about law enforcement</i> by USA as to MICHAEL ECKERMAN, KIRSTYN NIEMELA. (Gordon, Michael) (Entered: 09/29/2022)
09/29/2022	<u>46</u>	MOTION in Limine <i>to limit cross-examination of U.S. Secret Service witness</i> by USA as to MICHAEL ECKERMAN, KIRSTYN NIEMELA. (Gordon, Michael) (Entered: 09/29/2022)
09/29/2022	<u>47</u>	MOTION in Limine <i>regarding authentication of certain photo and video evidence</i> by USA as to MICHAEL ECKERMAN, KIRSTYN NIEMELA. (Gordon, Michael) (Entered: 09/29/2022)
09/30/2022		MINUTE ORDER granting <u>42</u> Motion to Exclude as to KIRSTYN NIEMELA (2). It is hereby ORDERED that the time period between September 28, 2022 and November 28, 2022 is excluded from the computation of time within which a trial must be commence under the Speedy Trial Act, 18 U.S.C. § 3161, et seq. The Court finds that the ends of justice served by excluding the time outweigh the best interest of the public and the defendant in a speedy trial, as doing so will enable the defense to obtain and review the voluminous discovery in this matter, file pretrial motions, as appropriate, and discuss a potential pretrial disposition with the government. Signed by Judge Christopher R. Cooper on 9/30/2022. (lccrc1) (Entered: 09/30/2022)
09/30/2022	<u>48</u>	MOTION in Limine <i>to preclude defense cross-examination on, or evidence of, the shooting of Ashli Babbitt</i> by USA as to MICHAEL ECKERMAN, KIRSTYN NIEMELA. (Gordon, Michael) (Entered: 09/30/2022)
10/03/2022		NOTICE OF HEARING as to KIRSTYN NIEMELA (2): Status Conference set for 10/6/2022 at 11:30 AM by VTC before Judge Christopher R. Cooper. (lsj) (Entered: 10/03/2022)
10/06/2022		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 10/6/2022. Bond Status of Defendant: remains on supervised release; Court Reporter: Lisa Moreira; Defense Attorneys: Rick Monteith and Paul Garrity; US Attorneys: Jessica Arco and Michael Matthew Gordon. (lsj)

		(Entered: 10/06/2022)
10/07/2022	<u>49</u>	Unopposed MOTION for Protective Order <i>Governing Discovery</i> by USA as to KIRSTYN NIEMELA. (Attachments: # <u>1</u> Proposed Order)(Arco, Jessica) (Entered: 10/07/2022)
10/07/2022	<u>50</u>	NOTICE OF ATTORNEY APPEARANCE: Richard F. Monteith, Jr appearing for KIRSTYN NIEMELA [ <i>CJA Appointed</i> ] (Monteith, Richard) (Entered: 10/07/2022)
10/11/2022	<u>51</u>	ORDER granting <u>49</u> Motion for Protective Order as to KIRSTYN NIEMELA (2). See full Order for details. Signed by Judge Christopher R. Cooper on 10/11/2022. (lccrc1) (Entered: 10/11/2022)
10/26/2022		MINUTE ORDER as to MICHAEL ECKERMAN, KIRSTYN NIEMELA: The parties are hereby ordered to appear for a video status conference on October 27, 2022 at 12:00 PM. Videoconference information will be emailed to the parties separately. Signed by Judge Christopher R. Cooper on 10/26/2022. (lccrc1) (Entered: 10/26/2022)
10/26/2022	<u>54</u>	NOTICE OF ATTORNEY APPEARANCE: Paul Garrity appearing for KIRSTYN NIEMELA (Garrity, Paul) (Entered: 10/26/2022)
10/27/2022		Minute Entry for Video Status Conference held on 10/27/2022 before Judge Christopher R. Cooper as to MICHAEL ECKERMAN (1) AND KIRSTYN NIEMELA (2): Counsel for Mr. Eckerman are to reach out to the Court's Deputy Clerk to request a Change of Plea Hearing date. Counsel for Ms. Niemela are to file Notice with the Court in regards to Trial or Plea Change. Bond Status of Defendants: remains on personal recognizance; Court Reporter: Tammy Nestor; Defense Attorneys: Richard Steven Stern (1) and Richard Monteith, Jr and Paul Garrity (2); US Attorneys: Jessica Arco and Michael Gordon. (zsmc) (Entered: 10/27/2022)
11/02/2022	<u>55</u>	Unopposed MOTION to Continue <i>Final Pretrial and Jury Trial</i> by KIRSTYN NIEMELA. (Monteith, Richard) (Entered: 11/02/2022)
11/04/2022	<u>56</u>	RESPONSE by USA as to KIRSTYN NIEMELA re <u>55</u> Unopposed MOTION to Continue <i>Final Pretrial and Jury Trial</i> (Attachments: # <u>1</u> Proposed Order)(Arco, Jessica) (Entered: 11/04/2022)
11/04/2022		MINUTE ORDER granting <u>55</u> Defendant's Motion to Continue Final Pretrial and Jury Trial as to KIRSTYN NIEMELA (2). The Trial set to commence on November 28, 2022 is vacated and reset for January 23, 2023. The Pre-Trial Conference set for November 21, 2022 is vacated and reset for January 17, 2023 at 3:00 PM in Courtroom 27A. The other pending pretrial deadlines described in the Court's <u>34</u> Pre-Trial Order are vacated. It is FUTHER ORDERED that the parties shall appear for a status conference on November 21, 2022 at 2:00 PM via VTC. The Court will reset any other pre-trial deadlines, if necessary, at the November 21, 2022 status conference. SO ORDERED by Judge Christopher R. Cooper on 11/4/2022. (lccrc1) Modified on 11/4/2022 (lsj). (Entered: 11/04/2022)
11/21/2022		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 11/21/2022. The parties will be submitting proposed pre-trial deadlines. The court finds it in the interest of justice to toll the speedy trial clock from 11/21/2022 through 1/17/2023. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Richard F. Monteith, Jr. and Paul Garrity; US Attorney: Jessica Arco. (hmc) (Entered: 11/21/2022)

		11/21/2022)
11/22/2022	<u>60</u>	Joint STATUS REPORT <i>and Proposed Pretrial Schedule</i> by USA as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 11/22/2022)
11/23/2022		MINUTE ORDER as to KIRSTYN NIEMELA: In light of the parties' <u>60</u> Joint Status Report, the following pretrial deadlines shall apply in this case: Pretrial motions as well as any oppositions to the government's pending motions in limine are due by December 5, 2022; exhibit lists and Giglio/Lewis materials shall be disclosed by January 2, 2023; the parties' joint narrative description of the case and proposed voir dire questions are due by January 9, 2023; objections to the admissibility of exhibits are due by January 11, 2023; witness lists are due by January 17, 2023; and proposed jury instructions and a proposed verdict form are due by January 19, 2023. The Court refers the parties to the jury instructions filed in United States v. Strand, Case No. 21-cr-85 (ECF No. 112). The Court will presumptively use those instructions for the relevant counts in this case, unless the parties propose changes. Signed by Judge Christopher R. Cooper on 11/23/2022. (lccrc1) (Entered: 11/23/2022)
11/23/2022		MINUTE ORDER as to KIRSTYN NIEMELA (2) denying without prejudice Defendant's <u>61</u> Sealed Motion. Signed by Judge Christopher R. Cooper on 11/23/2022. (lccrc1) (Entered: 11/23/2022)
12/01/2022	<u>62</u>	Unopposed MOTION for Extension of Time to <i>File Motions</i> by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 12/01/2022)
12/01/2022		MINUTE ORDER granting <u>62</u> Motion for Extension of Time as to KIRSTYN NIEMELA (2). Pretrial motions as well as any oppositions to the government's pending motions in limine are hereby due by December 6, 2022. Signed by Judge Christopher R. Cooper on 12/1/2022. (lccrc1) (Entered: 12/01/2022)
12/06/2022	<u>63</u>	MOTION in Limine <i>to Preclude Government Arguments for Vicarious Criminal Liability</i> by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 12/06/2022)
12/06/2022	<u>64</u>	MOTION in Limine <i>to Exclude Evidence Concerning Conduct by Others Than Defendant</i> by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 12/06/2022)
12/06/2022	<u>65</u>	MOTION to Change Venue <i>and Memorandum In Support</i> by KIRSTYN NIEMELA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Garrity, Paul) (Entered: 12/06/2022)
12/19/2022	<u>66</u>	Memorandum in Opposition by USA as to KIRSTYN NIEMELA re <u>65</u> Motion to Change Venue (Arco, Jessica) (Entered: 12/19/2022)
12/19/2022	<u>67</u>	Memorandum in Opposition by USA as to KIRSTYN NIEMELA re <u>64</u> Motion in Limine, <u>63</u> Motion in Limine (Arco, Jessica) (Entered: 12/19/2022)
01/02/2023	<u>68</u>	EXHIBIT LIST by USA as to KIRSTYN NIEMELA (Gordon, Michael) (Entered: 01/02/2023)
01/04/2023	<u>69</u>	Unopposed MOTION to Appear Remotely by KIRSTYN NIEMELA. (Garrity, Paul) Modified event title on 1/4/2023 (zstd). (Entered: 01/04/2023)
01/05/2023		MINUTE ORDER granting Defendant's <u>69</u> Motion to Appear Remotely for Pretrial Conference as to KIRSTYN NIEMELA (2). Defendant and her counsel may appear via VTC for the Pretrial Conference set for January 17, 2023 at 3:00 PM. Signed by Judge Christopher R. Cooper on 1/5/2023. (lccrc1) (Entered: 01/05/2023)



01/09/2023	<u>70</u>	STATEMENT OF CASE by USA as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 01/09/2023)
01/09/2023	<u>71</u>	Proposed Voir Dire by USA as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 01/09/2023)
01/11/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2): The Pretrial Conference set for 1/17/2023 is vacated and reset for 1/20/2023 at 10:00 AM by VTC before Judge Christopher R. Cooper. SO ORDERED by Judge Christopher R. Cooper on 1/11/2023. (lsj) (Entered: 01/11/2023)
01/11/2023	<u>74</u>	Unopposed MOTION for Extension of Time to File <i>Objections to the Admissibility of Exhibits</i> by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 01/11/2023)
01/11/2023		NOTICE OF AMENDED HEARING as to KIRSTYN NIEMELA (2): Pretrial Conference reset for 1/20/2023 at 2:00 PM by VTC before Judge Christopher R. Cooper. (lsj) (Entered: 01/11/2023)
01/11/2023		MINUTE ORDER granting <u>74</u> Motion to Extend Filing Deadline for Objections to Admissibility of Exhibits as to KIRSTYN NIEMELA (2). Objections to the admissibility of exhibits are due by January 12, 2023. Signed by Judge Christopher R. Cooper on 1/11/2023. (lccrc1) (Entered: 01/11/2023)
01/12/2023	<u>75</u>	RESPONSE by KIRSTYN NIEMELA re <u>68</u> Exhibit List [ <i>Objections</i> ] (Garrity, Paul) (Entered: 01/12/2023)
01/12/2023	<u>76</u>	SUPPLEMENT by KIRSTYN NIEMELA re <u>75</u> Response to document <i>Objections to Government Exhibits</i> (Garrity, Paul) (Entered: 01/12/2023)
01/17/2023	<u>78</u>	STIPULATION of the Parties by USA (Arco, Jessica) (Entered: 01/17/2023)
01/17/2023	<u>79</u>	Unopposed MOTION for Leave to File <i>Supplemental Voir Dire Questions</i> by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 01/17/2023)
01/17/2023	<u>80</u>	SUPPLEMENTAL Voir Dire by KIRSTYN NIEMELA (Garrity, Paul) Modified text on 1/17/2023 (zstd). (Entered: 01/17/2023)
01/17/2023	<u>81</u>	WITNESS LIST by USA as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 01/17/2023)
01/17/2023	<u>82</u>	WITNESS LIST by KIRSTYN NIEMELA (Garrity, Paul) (Entered: 01/17/2023)
01/18/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2) granting Defendant's <u>79</u> Motion for Leave to File Supplemental Voir Dire Questions. Signed by Judge Christopher R. Cooper on 1/18/2023. (lccrc1) (Entered: 01/18/2023)
01/19/2023	<u>83</u>	Proposed Jury Instructions by KIRSTYN NIEMELA (Garrity, Paul) (Entered: 01/19/2023)
01/19/2023	<u>84</u>	Proposed Jury Instructions by USA as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 01/19/2023)
01/19/2023	<u>85</u>	PROPOSED VERDICT FORM as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 01/19/2023)
01/19/2023	<u>86</u>	EXHIBIT LIST by USA as to KIRSTYN NIEMELA (Arco, Jessica) (Entered: 01/19/2023)

01/23/2023	<u>88</u>	NOTICE of Intent to Offer Business Records Pursuant to Fed. R. Evid. 902(11) by USA as to KIRSTYN NIEMELA (Attachments: # <u>1</u> Exhibit Business Records Certification from Meta, Inc. (Facebook) for Account x5078, # <u>2</u> Exhibit Business Records Certification from Meta, Inc. (Facebook) for Account x8048, # <u>3</u> Exhibit Business Records Certification from Meta, Inc. (Facebook) for Account x3831, # <u>4</u> Exhibit Business Records Certification from the U.S. Senate, # <u>5</u> Exhibit Business Records Certification from the U.S. House of Representatives)(Gordon, Michael) (Entered: 01/23/2023)
01/23/2023		Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 1/23/2023 as to Counts 3, 4, 6 and 8. Pretrial Conference held. Voir Dire/Jury Selection commenced and concluded with a panel of twelve jurors and two alternates selected and sworn. Jury Trial to commence 1/24/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Paul Garrity and Richard F. Monteith; US Attorneys: Jessica Arco and Michael Matthew Gordon. (lsj) (Entered: 01/24/2023)
01/23/2023		MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations, all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Christopher R. Cooper on 1/23/2023. (lsj) (Entered: 01/24/2023)
01/24/2023		Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 1/24/2023 as to Counts 3, 4, 6 and 8. Jury Trial resumed same jury and alternates. Jury Trial to continue on 1/25/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Paul Garrity and Richard F. Monteith, Jr.; US Attorneys: Jessica Arco and Michael Matthew Gordon; Government Witnesses: Captain Tia Summers, Lieutenant Brooke Detorie, Special Agent Elizabeth and Special Agent Mark Hastbacka. (lsj) (Entered: 01/24/2023)
01/25/2023		Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 1/25/2023 as to Counts 3, 4, 6 and 8. Jury Trial resumed with same jury and alternates. Government rests case-in-chief. Defendant's oral motion for a Rule 29 Motion (Judgment of Acquittal) is RESERVED. Defense presents case and rests. Government declines to present rebuttal case. Jury Trial to continue on 1/26/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Paul Garrity and Richard F. Monteith, Jr.; US Attorneys: Jessica Arco and Michael Matthew Gordon; Government Witness: Special Agent Mark Hastbacka (continued from 1/24/2023); Defense Witness: Mark Leach. (lsj) (Entered: 01/25/2023)
01/26/2023		Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to KIRSTYN NIEMELA (2) on 1/26/2023 as to Counts 3, 4, 6 and 8. Jury Trial resumed with same jury and alternates. Jury charge instructions provided to jurors. Alternate jurors 1042 and 0481 released. Jury deliberations commenced and concluded. Jury Verdict entered: Guilty on Counts 3, 4, 6 and 8. Jury polled with unanimous verdict. Jury discharged without any further consideration in this case. Presentence investigation report ordered. Defendant to continue to adhere to the conditions of pretrial release previously imposed. Sentencing Memorandum due by 4/20/2023. Sentencing set for

		4/27/2023 at 10:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Paul Garrity and Richard F. Monteith, Jr.; US Attorneys: Jessica Arco and Michael Matthew Gordon. (lsj) (Entered: 01/26/2023)
01/26/2023	<u>90</u>	ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to KIRSTYN NIEMELA (2) (lsj) (Entered: 01/26/2023)
01/26/2023	<u>91</u>	Final Jury Instructions as to KIRSTYN NIEMELA (2) (lsj) (Entered: 01/26/2023)
01/26/2023	<u>92</u>	EXHIBIT LIST by USA as to KIRSTYN NIEMELA (2) (lsj) (Entered: 01/26/2023)
01/26/2023	<u>93</u>	Jury Notes as to KIRSTYN NIEMELA (2) (lsj) (Entered: 01/26/2023)
01/26/2023	<u>94</u>	<b>Signature Page of Foreperson</b> as to KIRSTYN NIEMELA (2) on Jury Note. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zlsj) (Entered: 01/26/2023)
01/26/2023	<u>95</u>	VERDICT FORM as to KIRSTYN NIEMELA (2) (lsj) (Entered: 01/26/2023)
01/26/2023	<u>96</u>	<b>Signature Page of Foreperson</b> as to KIRSTYN NIEMELA (2) on Jury Verdict. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zlsj) (Entered: 01/26/2023)
01/26/2023		<p>MINUTE ORDER as to KIRSTYN NIEMELA (2): For the reasons stated on the record at trial on Tuesday, January 24, 2023, the Court hereby denies as moot the following motions: the Government's <u>44</u> Motion in Limine Regarding Evidence About the Specific Locations of U.S. Capitol Police Surveillance Cameras; the Government's <u>45</u> Motion in Limine to Preclude Improper Defense Arguments About Law Enforcement; the Government's <u>46</u> Motion in Limine Regarding Cross-Examination of U.S. Secret Service Witnesses; the Government's <u>47</u> Motion in Limine Regarding Authentication of Certain Video and Photo Evidence; the Government's <u>48</u> Motion in Limine to Preclude Cross-Examination and Evidence Related to the Shooting of Ashli Babbitt; Defendant's <u>63</u> Motion in Limine to Preclude Government Arguments for Vicarious Criminal Liability; and Defendant's <u>64</u> Motion in Limine to Exclude Evidence Concerning Conduct by Others than Defendant.</p> <p>Additionally, as stated on the record and for the reasons indicated in the Court's rulings denying similar motions in <u>United States v. Strand</u> and <u>United States v. Barnett</u>, the Court hereby denies Defendant's <u>65</u> Motion to Transfer Venue. See Opinion and Order, <u>United States v. Strand</u>, No. 21-cr-85 (D.D.C. Aug. 17, 2022), ECF No. 89; Opinion and Order, <u>United States v. Barnett</u>, No. 21-cr-38 (D.D.C. Nov. 23, 2022), ECF No. 90. SO ORDERED by Judge Christopher R. Cooper on 1/26/2023. (lccrc1) (Entered: 01/26/2023)</p>
02/03/2023	<u>98</u>	Unopposed MOTION to Continue <i>Sentencing</i> by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 02/03/2023)
02/06/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2) granting Defendant's <u>98</u> Motion to Continue Sentencing Hearing. The Court hereby vacates the Sentencing Hearing scheduled for April 27, 2023 and resets the Sentencing Hearing for May 31, 2023 at 10:00 AM in Courtroom 27A before Judge Christopher R. Cooper. The parties shall file sentencing memorandums by May 24, 2023. Signed by Judge Christopher R. Cooper on 2/6/2023. (lccrc1) (Entered: 02/06/2023)

02/14/2023	<u>99</u>	NOTICE OF ATTORNEY APPEARANCE: John M. Pierce appearing for KIRSTYN NIEMELA (Pierce, John) (Entered: 02/14/2023)
02/16/2023	<u>100</u>	MOTION to Withdraw as Attorney by Paul Garrity. by KIRSTYN NIEMELA. (Garrity, Paul) (Entered: 02/16/2023)
02/16/2023	<u>101</u>	MOTION to Withdraw as Attorney by Richard Monteith. by KIRSTYN NIEMELA. (Monteith, Richard) (Entered: 02/16/2023)
02/17/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2) granting <u>100</u> and <u>101</u> Motions to Withdraw as Attorney. Attorneys Paul Garrity and Richard F. Monteith are withdrawn from the case. Signed by Judge Christopher R. Cooper on 2/17/2023. (lccrc1) (Entered: 02/17/2023)
02/20/2023	<u>102</u>	NOTICE OF ATTORNEY APPEARANCE: John M. Pierce appearing for KIRSTYN NIEMELA (Pierce, John) (Entered: 02/20/2023)
03/02/2023	<u>106</u>	<p>TRANSCRIPT OF JURY TRIAL in case as to KIRSTYN NIEMELA before Judge Christopher R. Cooper held on January 23, 2023; Page Numbers: 1–306. Date of Issuance:March 2, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354–3187, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 3/23/2023. Redacted Transcript Deadline set for 4/2/2023. Release of Transcript Restriction set for 5/31/2023.(Moreira, Lisa) (Entered: 03/02/2023)</p>
03/02/2023	<u>107</u>	<p>TRANSCRIPT OF JURY TRIAL in case as to KIRSTYN NIEMELA before Judge Christopher R. Cooper held on January 24, 2023; Page Numbers: 307–548. Date of Issuance:March 2, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354–3187, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy,</p>

		<p>which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 3/23/2023. Redacted Transcript Deadline set for 4/2/2023. Release of Transcript Restriction set for 5/31/2023.(Moreira, Lisa) (Entered: 03/02/2023)</p>
03/02/2023	<u>108</u>	<p>TRANSCRIPT OF JURY TRIAL in case as to KIRSTYN NIEMELA before Judge Christopher R. Cooper held on January 25, 2023; Page Numbers: 549–827. Date of Issuance:March 2, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354–3187, Transcripts may be ordered by submitting the <u><a href="#">Transcript Order Form</a></u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 3/23/2023. Redacted Transcript Deadline set for 4/2/2023. Release of Transcript Restriction set for 5/31/2023.(Moreira, Lisa) (Entered: 03/02/2023)</p>
03/02/2023	<u>109</u>	<p>TRANSCRIPT OF JURY TRIAL in case as to KIRSTYN NIEMELA before Judge Christopher R. Cooper held on January 26, 2023; Page Numbers: 828–921. Date of Issuance:March 2, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354–3187, Transcripts may be ordered by submitting the <u><a href="#">Transcript Order Form</a></u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 3/23/2023. Redacted Transcript Deadline set for 4/2/2023. Release of Transcript Restriction set for 5/31/2023.(Moreira, Lisa) (Entered: 03/02/2023)</p>
05/10/2023	<u>117</u>	<p>MOTION to Continue <i>Sentencing Hearing and Memorandum Dealines</i> by KIRSTYN NIEMELA. (Pierce, John) (Entered: 05/10/2023)</p>

05/11/2023		MINUTE ORDER as to KIRSTYN NIEMELA: The Government is directed to file its opposition to Defendant's <u>117</u> Motion to Postpone Sentencing Hearing by May 16, 2023. Signed by Judge Christopher R. Cooper on 5/11/2023. (lccrc1) (Entered: 05/11/2023)
05/15/2023	<u>118</u>	Memorandum in Opposition by USA as to KIRSTYN NIEMELA re <u>117</u> Motion to Continue <i>Sentencing Hearing</i> (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B)(Arco, Jessica) (Entered: 05/15/2023)
05/16/2023	<u>119</u>	OPINION AND ORDER as to KIRSTYN NIEMELA (2) denying Defendant's <u>117</u> Motion to Postpone Sentencing Hearing. See full Opinion and Order for details. Signed by Judge Christopher R. Cooper on 5/16/2023. (lccrc1) (Entered: 05/16/2023)
05/24/2023	<u>120</u>	ENTERED IN ERROR.....SENTENCING MEMORANDUM by KIRSTYN NIEMELA (Attachments: # <u>1</u> Exhibit Letter, # <u>2</u> Exhibit Letter, # <u>3</u> Exhibit Letter, # <u>4</u> Exhibit Letter, # <u>5</u> Exhibit Letter, # <u>6</u> Exhibit Letter, # <u>7</u> Exhibit Letter, # <u>8</u> Exhibit Letter, # <u>9</u> Exhibit Letter, # <u>10</u> Exhibit Letter, # <u>11</u> Exhibit Letter, # <u>12</u> Exhibit Statement of Facts, # <u>13</u> Exhibit Statement of Facts, # <u>14</u> Exhibit Transcript of trial first day, Jan 24 2023)(Pierce, John) Modified on 5/31/2023 (zstd). (Entered: 05/24/2023)
05/24/2023	<u>121</u>	SENTENCING MEMORANDUM by KIRSTYN NIEMELA (Attachments: # <u>1</u> Exhibit Transcript 1st day Jan 24 2023, # <u>2</u> Exhibit Statement of Facts, # <u>3</u> Exhibit Statement of Facts for Arrest, # <u>4</u> Exhibit Letter in support, # <u>5</u> Exhibit Letter in support, # <u>6</u> Exhibit Letter in support, # <u>7</u> Exhibit Letter in support, # <u>8</u> Exhibit Letter in support, # <u>9</u> Exhibit Letter in support, # <u>10</u> Exhibit Letter in support, # <u>11</u> Exhibit Letter in support, # <u>12</u> Exhibit Letter in support, # <u>13</u> Exhibit Letter in support, # <u>14</u> Exhibit Letter in support, # <u>15</u> Exhibit Letter in support, # <u>16</u> Exhibit Letter in support, # <u>17</u> Exhibit Letter in support, # <u>18</u> Exhibit Letter in support)(Pierce, John) (Entered: 05/24/2023)
05/24/2023	<u>122</u>	SENTENCING MEMORANDUM by USA as to KIRSTYN NIEMELA (Gordon, Michael) (Entered: 05/24/2023)
05/24/2023		NOTICE OF ERROR as to KIRSTYN NIEMELA regarding <u>120</u> Sentencing Memorandum. The following error(s) were corrected: The correct filing is at DE #121. (zstd) (Entered: 05/31/2023)
05/27/2023	<u>127</u>	RESPONSE by KIRSTYN NIEMELA re <u>122</u> Government's Sentencing Memorandum (Pierce, John) Modified to add link on 5/30/2023 (zstd). (Entered: 05/27/2023)
05/30/2023	<u>128</u>	ERRATA by KIRSTYN NIEMELA (Pierce, John) (Entered: 05/30/2023)
05/31/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2) granting Defendant's <u>130</u> Sealed Motion to Continue Sentencing. The sentencing hearing will be rescheduled in a separate minute order. Signed by Judge Christopher R. Cooper on 5/31/2023. (lccrc1) (Entered: 05/31/2023)
05/31/2023		MINUTE ORDER as to KIRSTYN NIEMELA: The Sentencing Hearing in this matter is hereby rescheduled for June 8, 2023 at 10:00 AM in Courtroom 27A (In Person) before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 5/31/2023. (lccrc1) (Entered: 05/31/2023)
05/31/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2) granting Defendant's <u>129</u> Sealed Motion for Leave to File Document Under Seal. Signed by Judge Christopher R.

		Cooper on 5/31/2023. (lccrc1) (Entered: 05/31/2023)
06/03/2023	<u>132</u>	MOTION for Leave to Appear by Telephone , Zoom, or Videoconferencing by KIRSTYN NIEMELA. (Pierce, John) (Entered: 06/03/2023)
06/03/2023	<u>133</u>	NOTICE of Additional Legal Authority in support of sentencing memorandum (Pierce, John) Modified text on 6/5/2023 (zstd). (Entered: 06/03/2023)
06/04/2023	<u>134</u>	MOTION for Leave to Appear Pro Hac Vice Roger I Roots Fee Status: No Fee Paid. by KIRSTYN NIEMELA. (Attachments: # <u>1</u> Affidavit Affidavit of Roger Roots, # <u>2</u> Text of Proposed Order Text of Proposed Order)(Pierce, John) (Entered: 06/04/2023)
06/04/2023		NOTICE OF ERROR as to KIRSTYN NIEMELA regarding <u>134</u> MOTION for Leave to Appear Pro Hac Vice Roger I Roots Fee Status: No Fee Paid. The following error(s) need correction: Pro Hac Vice motion must be accompanied by a Certificate of Good Standing issued within the last 30 days (LCrR 44.1 (c)(2)). Please file certificate as an Errata. Also \$100 fee remains outstanding. (zstd) (Entered: 06/05/2023)
06/05/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2): The Court hereby grants Defendant's <u>132</u> Motion to Appear in June 8 Sentencing Hearing by Videoconferencing. The Sentencing Hearing set for June 8, 2023 at 10:00 AM will be held by VTC before Judge Christopher R. Cooper. Video connection information will be provided to the parties separately. Defendant is instructed to file a signed waiver of appearance consistent with Federal Rule of Criminal Procedure 43(b)(2). Signed by Judge Christopher R. Cooper on 6/5/2023. (lccrc1) (Entered: 06/05/2023)
06/05/2023	<u>135</u>	ERRATA by KIRSTYN NIEMELA re <u>134</u> Motion to Appear Pro Hac Vice (Pierce, John) (Entered: 06/05/2023)
06/06/2023	<u>136</u>	MOTION for Leave to Appear Pro Hac Vice Roger I Roots Filing fee \$ 100, receipt number ADCDC-10119494. Fee Status: Fee Paid. by KIRSTYN NIEMELA. (Attachments: # <u>1</u> Affidavit Affidavit of Roger Roots, # <u>2</u> Text of Proposed Order Text of Proposed Order, # <u>3</u> Superior Court Documents Certificate of Good Standing)(Roots, Roger) (Entered: 06/06/2023)
06/07/2023		MINUTE ORDER as to KIRSTYN NIEMELA (2) granting <u>134</u> and <u>136</u> Motions for Leave to Appear Pro Hac Vice as to attorney Roger Roots. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions.</b> Signed by Judge Christopher R. Cooper on 6/7/2023. (lccrc1) (Entered: 06/07/2023)
06/07/2023	<u>137</u>	NOTICE OF WAIVER by KIRSTYN NIEMELA. (Pierce, John) Modified on text 6/8/2023 (zstd). (Entered: 06/07/2023)
06/07/2023	<u>138</u>	NOTICE of additional character reference and letter of support for sentencing by KIRSTYN NIEMELA (Attachments: # <u>1</u> Exhibit Letter of support and character reference from Mr. and Mrs. Dettinburn)(Pierce, John) (Entered: 06/07/2023)
06/08/2023	<u>139</u>	ERRATA by KIRSTYN NIEMELA (Pierce, John) Modified text on 6/8/2023 (zstd). (Entered: 06/08/2023)
06/08/2023	<u>140</u>	SUPPLEMENT by KIRSTYN NIEMELA re <u>121</u> SENTENCING MEMORANDUM (Pierce, John) Modified to add link on 6/8/2023 (zstd). (Entered: 06/08/2023)
06/08/2023	<u>141</u>	

		NOTICE OF ATTORNEY APPEARANCE: Roger Roots appearing for KIRSTYN NIEMELA (Roots, Roger) (Entered: 06/08/2023)
06/08/2023		Minute Entry for video Sentencing held before Judge Christopher R. Cooper on 6/8/2023 as to KIRSTYN NIEMELA (2). The Court accepts the Defendant's Notice <u>137</u> of Waiver of Appearance to Sentencing Hearing. It is the judgment of the the Court that the Defendant is committed to the custody of the Bureau of Prisons for concurrent terms of 11 months on Counts 3 and 4, and 6 months as to Counts 6 and 8. The Defendant is further sentenced to serve concurrent terms of 12 months of supervised release on Counts 3 and 4 . The Defendant is further ordered to pay a special assessment in the amount of \$25 on each of Counts 3 and 4, and \$10 on each Counts 6 and 8, for a total of \$70, and to pay a \$1,000 fine and \$500 in restitution. Defendant's oral motion to stay the imposition of sentence pending appeal is DENIED. Bond Status of Defendant: personal recognizance. Court Reporter: Lisa Moreira; Defense Attorneys: John M. Pierce and Roger Roots; US Attorneys: Michael Matthew Gordon and Jessica Arco; Prob Officer: Sherry Baker. (lsj) Modified on 6/12/2023 (lsj). (Entered: 06/08/2023)
06/12/2023	<u>142</u>	JUDGMENT as to KIRSTYN NIEMELA. Statement of Reasons Not Included. Signed by Judge Christopher R. Cooper on 6/12/2023. (zstd) (Entered: 06/12/2023)
06/12/2023	<u>143</u>	STATEMENT OF REASONS as to KIRSTYN NIEMELA re <u>142</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Christopher R. Cooper on 6/12/2023. (zstd) (Entered: 06/12/2023)
06/15/2023	<u>144</u>	MOTION for Reconsideration by KIRSTYN NIEMELA. (Pierce, John) (Entered: 06/15/2023)
06/17/2023	<u>145</u>	ENTERED IN ERROR.....NOTICE OF APPEAL – Final Judgment by KIRSTYN NIEMELA Fee Status: No Fee Paid. Parties have been notified. (Roots, Roger) Modified on 6/20/2023 (zstd). (Entered: 06/17/2023)
06/17/2023		NOTICE OF ERROR as to KIRSTYN NIEMELA regarding <u>145</u> Notice of Appeal – Final Judgment. The following error(s) need correction: Other– Please refile Notice of Appeal signed by the appellant and appellant's attorney. The fee of \$505 needs to be paid when refile. (zstd) (Entered: 06/20/2023)
06/22/2023	<u>146</u>	NOTICE OF APPEAL – Final Judgment by KIRSTYN NIEMELA re <u>142</u> Judgment, <u>143</u> Statement of Reasons,. Filing fee \$ 505, receipt number ADCDC-10156188. Fee Status: Fee Paid. Parties have been notified. (Pierce, John) (Main Document 146 replaced on 6/22/2023) (zstd). (Entered: 06/22/2023)
06/22/2023	<u>147</u>	MOTION to Withdraw as Attorney by John M. Pierce, Roger Roots. by KIRSTYN NIEMELA. (Pierce, John) (Entered: 06/22/2023)



United States District Court for the District of Columbia

UNITED STATES OF AMERICA )  
 )  
 vs. ) Criminal No. 1:21 cr 00623 (CRC)  
 )  
KIRSTYN NIEMELA )

**NOTICE OF APPEAL**

Name and address of appellant: **KIRSTYN ASHLEY NIEMELA**  


Name and address of appellant's attorney: **JOHN M. PIERCE, Esq., JOHN PIERCE LAW**  
 21550 Oxnard Street, 3rd Floor, PMB # 172  
 Woodland Hills, California 91367  
 Telephone: (213) 400-0725  
 Email: JPierce@JohnPierceLaw.com


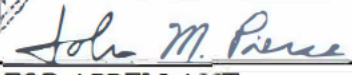
Offense: 18 U.S.C. § 1752(a)(1); 18 U.S.C. § 1752(a)(2); 40 U.S.C. § 5104(e)(2)(D); 40 U.S.C. § 5104(e)(2)(G)

Concise statement of judgment or order, giving date, and any sentence:  
 Conviction on January 26, 2023; Sentencing June 8, 2023, for 11 months in jail containing legal and factual errors; Judgment entered on June 12, 2023

Name and institution where now confined, if not on bail: *n/a*

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

06/20/2023  
 DATE

  
 APPELLANT  
  
 ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE   
 CJA, NO FEE   
 PAID USDC FEE   
 PAID USCA FEE

Does counsel wish to appear on appeal? YES NO X  
 Has counsel ordered transcripts? YES X NO  
 Is this appeal pursuant to the 1984 Sentencing Reform Act? YES NO

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

KIRSTYN NIEMELA

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-623-2 (CRC)

USM Number: 82043-509

John M. Pierce and Roger Roots

Defendant's Attorney

**THE DEFENDANT:**

pleaded guilty to count(s) \_\_\_\_\_

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) Three, Four, Six and Eight of the Superseding Indictment  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1752(a)(1)	Entering and Remaining in a Restricted Building or Grounds	1/6/2021	3
18 USC § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds	1/6/2021	4

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/8/2023

Date of Imposition of Judgment



Signature of Judge

Honorable Christopher R. Cooper, U.S.D.C. Judge

Name and Title of Judge

June 12, 2023

Date

DEFENDANT: KIRSTYN NIEMELA  
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### ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
40 USC § 5104(e)(2)(D)	Disorderly Conduct in a Capitol Building	1/6/2021	6
40 USC § 5104(e)(2)(G)	Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	8

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### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

11 months on Counts 3 and 4, and 6 months on Counts 6 and 8. The terms of imprisonment are to be served concurrently.

The court makes the following recommendations to the Bureau of Prisons:

Placement at a facility near the Defendant's home in New Hampshire.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KIRSTYN NIEMELA  
CASE NUMBER: 21-623-2 (CRC)

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

12 months on Counts 3 and 4, to be served concurrently

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.  
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: KIRSTYN NIEMELA  
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### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

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### ADDITIONAL SUPERVISED RELEASE TERMS

The Court authorizes supervision of this case to be transferred to the United States District of New Hampshire.

You shall comply with the following special conditions:

1. Mental Health Assessment - You must comply with a mental health assessment/evaluation.
2. Substance Abuse Testing - You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.
3. Financial Information Disclosure - You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the United States Attorney's Office.
4. Financial Restrictions - You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
5. Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.
6. Contact Restriction - You must not communicate, or otherwise interact, with Stefanie Nicole Chiguer, either directly or through someone else, without first obtaining the permission of the probation officer.
7. Re-entry Progress Hearing - Within sixty days of release from incarceration or placement on supervision, you will appear before the Court for a re-entry progress hearing. Prior to the hearing, the probation officer will submit a report summarizing your status and compliance with release conditions. If you are supervised by a district outside of the Washington DC metropolitan area, the United States Probation Office in that district will submit a progress report to the court within 60 days of the commencement of supervision; upon receipt of the progress report, the Court will determine if your appearance is required.

You are ordered to pay a fine in the amount of \$1,000. You are furthered ordered to make restitution to in the amount of \$500 to the Architect of the Capitol. Restitution payments shall be made to the Clerk of the Court for the United States District Court, District of Columbia, for distribution to the victim.

8. Restitution Obligation – Payment during the term of supervised release will commence within (30 days) after release from imprisonment. The Court orders a payment plan of \$50 over the course of 10 months.

The Probation Office shall release the presentence investigation report to all appropriate agencies, which includes the United States Probation Office in the approved district of residence, in order to execute the sentence of the Court.

#### NOTICE OF APPEAL

You have the right to appeal your conviction(s) of guilt to the U.S. Court of Appeals for the D.C. Circuit. Pursuant to 18 U.S.C. § 3742(a), you also have a statutory right to appeal your sentence to the D.C. Circuit under certain circumstances, including if you think the sentence was imposed in violation of law or as a result of an incorrect application of the sentencing guidelines or is more severe than the maximum established in the guideline range. You may also appeal your sentence if you believe you received ineffective assistance of counsel at sentencing.

Pursuant to 28 U.S.C. § 2255, you also have the right to challenge the conviction entered or sentence imposed, to the extent permitted by that statute.

Any notice of appeal must be filed within fourteen days of the entry of judgment or within fourteen days of the filing of a notice of appeal by the government. If you are unable to afford the cost of an appeal, you may request permission from the Court to file an appeal without cost to you. On appeal, you may also apply for court-appointed counsel.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$ 70.00	\$ 500.00	\$ 1,000.00	\$	\$

The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Restitution payments shall be made to the			
Clerk of the Court for the United States			
District Court, District of Columbia for			
disbursement to the following victim:			
Architect of the Capitol		\$500.00	
Office of the Chief Financial Officer			
Ford House Office Building			
Room H2-205B			
Washington, D.C. 20515			
<b>TOTALS</b>	\$ 0.00	\$ 500.00	

Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



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**SCHEDULE OF PAYMENTS**

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payment of \$ 1,570.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
The financial obligations, outside of the restitution payment scheduled, are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant’s interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT/A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.